IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5952 of 1989

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GAYATRIPRASAD R RAVAL
Versus
MANAGING DIRECTOR AND OTHERS

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Appearance :
MR BIPIN P JASANI for Petitioner.
MR PARESH UPADHYAY for Respondent No. 1.
MR ND GOHIL, AGP for Respondent Nos. 2 - 3.

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CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 10/08/2006

ORAL JUDGMENT

By filing this petition, the petitioner has prayed that respondents may be directed to continue him in service as a 'wireman' and his services may not be dis-continued as he is serving since long. It is the case of the petitioner that he was appointed as a 'wireman' on 13-4-1982

on daily wages and he worked on the said post upto 30-4-1984. Thereafter, the petitioner has been given appointment on the basis of 29 days from time to time. Orders in this regard are available on record. Accordingly, since March 1984, the petitioner was appointed by the department, as aforesaid, however, since the petitioner apprehended that his services might be dis-continued as he is not regularly appointed, he has filed present petition.

At the time of admitting this petition, this Court has granted interim relief and that is how the petitioner has continued in service. The matter has reached final hearing after about 15 years and by this time, the petitioner is continued in service for more than 22 years.

Considering the fact that long time has passed since initial appointment of the petitioner on tenure basis and considering the fact that said continuation of the petitioner in service is not objected by the department and since there is nothing on record to suggest that subsequently the services of the petitioner are regularized by the department, it would be just and proper to direct the petitioner to make appropriate representation to the Managing Director, Gujarat Water Resources Development Corporation Limited (respondent No.1 herein) for regularizing his services and to continue him in service till his superannuation. The petitioner may make such representation within a period of one month from today. Thereafter, respondent No.2 may take appropriate decision on such representation as deemed fit and in accordance with law, without any unreasonable delay.

Mr.Upadhyay, learned advocate for respondent No.1 fairly stated that he has no objection if interim relief granted by this Court is continued till the representation of the petitioner is decided. He also

submitted that considering the fact that the petitioner is a low paid employee and by this time since the petitioner has continued in service for more than 22 years, the department will decide the representation of the petitioner in accordance with law and with sympathy and just and equitable order will be passed on such representation.

Considering the aforesaid aspect of the matter, interim relief granted earlier by this Court is ordered to be continued till the representation of the petitioner is decided. However, it is made clear that continuation of interim relief would not mean that the department cannot take any action against the petitioner even on disciplinary grounds and it is always open to the department to take appropriate action in accordance with law on disciplinary grounds. It is also made clear that if the ultimate order passed on the representation is adverse to the petitioner, he can challenge the same in accordance with law.

In view of what is stated herein above, this petition is disposed of. Rule is discharged with no order as to costs. Interim relief granted earlier by this Court stands extended till the disposal of the representation of the petitioner.

(P.B.MAJMUDAR, J.)

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